

HEAVY USE AREA PROTECTION (CODE 561)

DESCRIPTION

Stabilization to protect an area on a farm which is being utilized frequently and intensively by livestock or farm equipment (only if specifically for areas adjacent to the entrance of a poultry house or poultry waste storage structure).

PURPOSE

The purpose of this practice is to stabilize facility areas on the farm which are disturbed due to frequent and intense livestock or equipment use in order to prevent or abate pollution of the waters of the State.

CONDITION

This practice may be applied only to farms which have been determined to have severe erosion and water quality problems **along areas of frequent and intense livestock or equipment use**, and where there is a need for properly designed artificial or vegetative cover in order to prevent the delivery of animal waste, sediment and nutrients to the waters of the State.

POLICIES

1. In cases of heavy use area protection areas in which animal wastes accumulate, the location of the area must be such that the delivery of contaminated runoff to local streams or waterways is certain to occur in the absence of this proper BMP. **A minimum of fifteen (15) animal units must regularly use or occupy the area being protected.** Operations with eight (8) to fourteen (14) animal units may be eligible based on the animal unit cost-eligibility (reference Section III, page 13, 44.B).
2. Cost-sharing is authorized for the required waste storage/management in a method compliant with the Waste Management System Plan (WMSP).
3. This practice will be applied on farms where erosion and animal waste from existing heavily used animal areas pose a significant water quality problem. A Critical Condition (defined in the COMAR 15.01.05.02.C) must exist to be eligible for cost-share.
4. Cost-sharing **is authorized** for establishment of the **required** permanent vegetative cover as buffer strips according to the criteria for Filter Strips (Code 393) or Critical Area Planting (Code 342), **plus** one or all of the following, if it is considered essential for the protection of the Heavy Use Areas:

- a. Permanent Fencing (Code 382) to protect water quality and stream banks from damage by domestic livestock to buffer areas or adjacent streams, Stream Crossing, (Code 728), Diversion (Code 362), Grade Stabilization Structure (Code 410), Grassed Waterway (Code 412), Lined Waterway or Outlet (Code 468) and Roof Runoff Structure (Code 558).
 - b. Preparation of surface and subsurface drainage mechanisms, as well as the utilization of lime, fertilizer, seed, straw mulch and mulch anchoring for establishing permanent vegetative cover.
 - c. Earthfill, excavation, compacting and grading operations necessary to establish the base course, including the use of gravel, crushed stone, a geotextile, or other suitable materials.
 - d. Materials such as erosion control netting, matting, staples, filter cloth, rock riprap, geoweb, box inlets, subsurface drains and culverts for runoff control measures.
 - e. Surface treatment using materials such as concrete, gravel or other materials in order to provide a stable, wearing surface.
5. When applying for cost-sharing under this practice, **all** components and their associated NRCS code numbers will be included under Section II of the MACS Water Quality Project Form. For example, if applying for a Heavy Use Area, a Diversion and a Grassed Waterway, then NRCS codes 561, 362 and 412 must be listed on the application.
6. Cost-sharing is **not authorized** for the following:
- a. Any construction or portion thereof that is greater than **40 sq. ft.** per animal unit when used as a feeding or confinement area.
 - b. Any construction or portion thereof that is greater than **12 feet** in width when used as a travel lane. Also, the portion used as a travel lane may not exceed **200 feet** in length. Special consideration can be made for unique situations. This must be approved by the MACS Administrator.
 - c. Prescribed Grazing (Code 528) or Access Road (Code 560).
 - d. Replacement, repair, relocation or installation of any utilities such as water, sewer, electric, gas or telephone.
 - e. Repair, replacement, modification or relocation of any building.

- f. Any construction or portion thereof which would be used solely for the purpose of providing access for farm equipment or vehicles, or from public roads and highways to farm headquarters or home sites **except** for the area directly adjacent to the entrance of a poultry house or poultry waste storage structure.
 - g. Replacement or reconstruction of other attached, existing BMPs, unless such replacement or reconstruction is essential to the proper functioning of the proposed Heavy Use Area.
- 7. A current Waste Management System Plan (WMSP), according to NRCS Standards and Specifications, must be signed by the applicant and the District Conservationist and accompany the MACS Water Quality Project Form when the applicant is installing the practice for a feeding or confinement area or when installing a poultry HUA. The WMSP must be farm-specific and include information on the situation, problem, geographic area, Nutrient Management Plan (NMP), system components, component details, waste utilization, installation timetable, structure operation and maintenance.
- 8. Applicants are required to keep their WMSP updated and current throughout the maintenance life of any animal waste treatment or containment project. These updates are the responsibility of the applicant and landowners, and the District and/or the nutrient management consultant may provide assistance. The District is responsible to verify the applicant has a current Waste Management System Plan.
- 9. When installed as a feeding or confinement area, a NMP that represents the current operation must be signed by the applicant and submitted prior to or with the signed MACS Claim for Payment (CFP). The NMP must comply with Maryland Nutrient Management Regulations (COMAR 15.20.08). The plan must be reviewed and approved by the Nutrient Management Program prior to the CFP approval by the MACS Administrator.
- 10. When installing a HUA, applicants are required to be in compliance with Maryland Nutrient Management Program requirements and regulations and stay in compliance throughout the practice maintenance life.
- 11. If the applicant is certain to increase her or his animal capacity within the next six months, **and** if the applicant will document that fact in writing to the Department's satisfaction, cost-share may be based on the total new animal capacity on the farm. The SCD must document the animal capacity increase on Certificate of Imminent Start-up or Expansion of a Livestock Operation form and submit this form with the MACS Water Quality Project Form. The department will not process the MACS Claim for Payment until the SCD certifies in writing that the expansion has occurred **and** that the additional or new animals have been placed on the farm.
- 12. An operation and maintenance plan shall be developed in accordance with NRCS standards and specifications which require clean up of manure residues within 24 hours.

In addition residual manure on the HUA should be properly disposed of in order to prevent leaching or runoff such as placement in the waste storage area.

13. NRCS Standards and Specifications for Heavy Use Area (Code 561) shall be followed when applying this practice.
14. This practice must be properly maintained **without** additional cost-share for a minimum of ten (10) years. The applicant agrees to provide all equipment, labor and materials needed to meet this requirement. At a minimum, these measures shall be carried out for the life of the practice:
 - a. Inspect areas surrounding the Heavy Use Area after each major runoff event, and repair promptly as needed.
 - b. Maintain grass areas in adequate cover. Reseed and mow as needed, according to the operation and maintenance plan.
 - c. Fill in low areas and regrade, as needed, to maintain area integrity, using like materials as originally installed.

ADDITIONAL POLICIES FOR POULTRY HEAVY USE AREA PROTECTION

1. Eligibility worksheet must be completed and attached to the application for a poultry HUA project.
2. The State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed the cumulative maximum allowed for non-animal waste treatment BMPs of \$35,000 per project. Operators with multiple deeds or financial interest in multiple farming operations are eligible for a total maximum of \$35,000 for this practice. The practice may be applied on multiple farms/deeds provided total payment does not exceed \$35,000.
3. The maximum MACS Program eligible cost for Poultry Heavy Use Area Protection is \$5.00 per square foot.
4. Poultry Heavy Use Area Protection is typically 40' x 40', however, for MACS eligibility, the pad size may not exceed 1,600 sq. ft.
5. No manure may be stored on the poultry HUAs for any period of time, including manure enrolled in the Manure Transport Program.
6. Adequate waste storage and dead bird composting facilities for the size of the operation must be available on the farm where the pads are installed.
7. If an applicant and/or landowner applying for a poultry HUA has already received MACS funding for a Waste Storage Structure(s) (313) or a Dead Bird Composting Facility (318), then an On-Farm Status Review form of each of the PWSSs and/or DBCFs (regardless of age

of structure/s) is to be sent with the MACS Water Quality Project Form. The operation must be properly utilizing the WSS and DBCF for their intended purpose to be eligible for cost share.

8. A 20' filter strip (Code 393), measured from the top of the slope, is required adjacent to any ditch or waterway. If the area between the ditch and pad is not adequate for a 20' buffer, then the pad size must be reduced to accommodate the required buffer.

COST-SHARE RATE

The State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed \$35,000 per project. For Heavy Use Area Protection installed adjacent to the entrance of a poultry house or poultry waste storage structure, the total payment will not exceed \$35,000 per operator.

ATTACHMENTS

Applicant(s) with an outstanding Unsatisfactory On-Farm Status Review of BMP Maintenance and Use of previous project(s) may be ineligible for further MACS Cost-Share funding. When a previous project expires with outstanding unsatisfactory status, the applicant is ineligible for any future MACS funding.

The following items are needed:

1. A copy of a recorded deed(s) for the parcel(s) where the BMP is located. If the current, appropriate deed is already on file in the MACS Office, then record both the Agreement # of the file where the deed is kept and the liber/folio numbers in the General Comments section of the Application.
2. A copy of the Real Property Data Search page from the Maryland Department of Assessments and Taxation's website (www.dat.state.md.us) indicating the Maryland Property View Account ID Number and owner information.
3. An aerial photograph indicating the property lines as well as all existing and proposed BMPs.
4. A dimensioned plan view sketch of the area indicating the location of the proposed BMP and graphically demonstrating the layout and details of the project.
5. For HUA's for feeding or confinement areas **or** for poultry HUA's, a farm-specific WMSP, which includes information on the situation, problem, geographic area, system components, component details, waste utilization, installation timetable, structure operation and maintenance. This document must be signed by the District Conservationist and the applicant and/or operator.
6. For HUA's installed for feeding or confinement areas a current and approved NMP is required on file in the MACS office before a Claim for Payment can be approved.